

Applicants: Gerhartz et al.  
Application Serial No. 10/541,230  
Amdt. dated July 20, 2006  
Reply to Office Action of May 3, 2006

### **REMARKS/ARGUMENTS**

The Office Action dated May 3, 2006 and the references cited therein have been carefully considered. In response to the Office Action, Applicants have amended the drawings and specification. Applicants have further amended Claims 1 and 7 and canceled Claim 10 which, when considered with the remarks set forth below, are deemed to place the case with Claims 1-9 and 11 in condition for allowance.

#### ***Allowable Subject Matter***

Claims 7 and 8 have been deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants have rewritten Claim 7 in independent form. Accordingly, it is believed that Claim 7 and Claim 8, which depends therefrom, are now in condition for allowance.

#### ***Drawing Objections***

The drawings have been objected to for failing to show every feature of the claimed invention. Specifically, the Examiner states that the "oval cross-section" in Claim 1, the "output drive part which is designed in the form of a piston of a piston spool valve" in Claim 9, the "permanent magnet arrangement in the form of a gripper tongs connected with the output drive part" in Claim 10 and "several yolk arrangements are arranged in tandem in the stroke direction" in Claim 11 are not shown in the drawings. In response, Applicants have added new Figures 3-5, which respectively show the features of Claims 1, 9 and 11 and have canceled Claim 10. Applicants have further amended the specification to make reference to the new drawings. Accordingly, it is believed that the drawing objections have been overcome.

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***Claim Rejections - 35 USC §112***

Also in the Office Action, Claim 10 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. As mentioned above, Claim 10 has been canceled. Accordingly, the §112 rejection has been overcome.

***Claim Rejections - 35 USC §102 & §103***

Further in the Office Action, Claims 1-4, 6 and 11 have been rejected under 35 U.S.C. §102(b) as being anticipated by PCT Publication No. WO 02/08579, as translated by U.S. Patent No. 6,755,161 to Grundl et al. Claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the Grundl patent, Claim 9 has been rejected as being unpatentable over the Grundl patent in view of Japanese Patent No. JP 2002130514 and Claim 10 has been rejected as being unpatentable over the Grundl patent in view of U.S. Patent No. 4,555,216 to Buschor. Specifically, the Examiner states that the Grundl patent discloses an electromagnetic drive device including a drive part having a permanent magnet arrangement possessing at least one pair of oppositely magnetized magnet portions and a yolk arrangement provided on opposite sides of the drive part, wherein the yolk arrangement possesses two pairs of pole pieces joined together by two yolk regions.

In response, Applicants have amended Claim 1 to define an electromagnetic drive device including a drive part consisting essentially of two pairs of oppositely magnetized magnet portions arranged sequentially in a stroke direction of the drive part. Each pair of magnet portions includes an inner magnet portion and an oppositely magnetized outer magnet portion, wherein the inner magnet portions face one another to form a common magnetic pole in a center portion of the drive part and the outer magnet portions form an opposite magnetic pole at each end portion of the drive part. It is respectfully submitted that none of the cited prior art references, taken alone or combined, teaches or suggests two pairs of oppositely magnetized magnet portions forming a common magnetic pole in a center portion of a drive

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part and an opposite magnetic pole at each end portion of the drive part, as defined in amended Claim 1.

In particular, Applicants have defined the permanent magnet arrangement as “consisting essentially of” two pairs of oppositely magnetized magnet portions arranged sequentially along the drive part. The phrase “consisting essentially of,” as used in Claim 1, is a closed ended term and signifies that other magnet portions are excluded from the permanent magnet arrangement. Thus, the permanent magnet arrangement of the drive part consists only of two pairs of magnet portions. More specifically, the permanent magnet arrangement consists only of two inner magnet portions facing one another to form a common magnetic pole in a center portion of the drive part and two oppositely magnetized outer magnet portions forming an opposite magnetic pole at each end portion of the drive part.

In contrast, the Grundl patent discloses a permanent magnet arrangement including numerous oppositely magnetized magnet portions arranged sequentially along the length of the drive part. As such, there is no common magnetic pole in the center of the drive part with oppositely magnetized end portions of the drive part, as defined in amended Claim 1. Accordingly, it is respectfully submitted that amended Claim 1, and the claims that depend therefrom patentably distinguish over the prior art.

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***Conclusion***

In view of the foregoing amendment and remarks, favorable consideration and allowance of the application with Claims 1-9 and 11 are respectfully solicited. If the Examiner believes that a telephone interview would assist in moving the application toward allowance, he is respectfully invited to contact the Applicants' attorney at the telephone number listed below.

Respectfully submitted,



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**AMENDMENTS TO THE DRAWINGS**

In the drawings, please add "New Sheets" 2/4, 3/4 and 4/4 (showing Figures 3-5).